

Outgoing
C0070041
#4246



Citation for Non-Compliance
Utah Coal Regulatory Program
1594 West North Temple, Salt Lake City, UT 84114
Phone: (801) 538-5340 Fax: (801) 359-3940

Citation #: 10103

Permit Number: C0070041

Date Issued: 01/10/2013



NOTICE OF VIOLATION



CESSATION ORDER (CO)



FAILURE TO ABATE CO

Permittee Name: WEST RIDGE RESOURCES

Inspector Number and ID: 54 SCHRISTE

Mine Name: WEST RIDGE MINE

Date and Time of Inspection: 01/10/2013 10:00 am

Certified Return Receipt Number: 7009 3410 0001 4203 2277

Date and Time of Service: 01/10/2013 10:00 am

Nature of condition, practice, or violation:

Failure to provide required water monitoring data. (See Attached)

Provisions of Act, regulations, or permit violated:

R645-301-731.200, R645-301-731.210 and R645-301-731.220



This order requires Cessation of ALL mining activities. (Check box if appropriate.)



Condition, practice, or violation is creating an imminent danger to health or safety of the public.



Permittee is/has been conducting mining activities without a Permit.



Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.



Permittee has failed to abate Violation(s) included in
☐ Notice of Violation or ☐ Cessation Order within time for abatement originally fixed or subsequently extended.



This order requires Cessation of PORTION(S) of mining activities.

Mining activities to be ceased immediately: ☐ Yes ☐ No

Abatement Times (if applicable).

Action(s) required: ☒ Yes ☐ No

The Permittee must submit the missing water quality data by no later than February 7th, 2013. In addition, the Permittee must adhere to the required ground and surface water monitoring and reporting requirements as outlined in the approved West Ridge Mine Mining and Reclamation Plan (MRP).

(Print) Permittee Representative

Permittee Representative's Signature - Date

STEVE CHRISTENSEN

(Print) DOGM Representative

DOGM Representative's Signature - Date

SEE REVERSE SIDE Of This Form For Instructions And Additional Information

IMPORTANT – READ CAREFULLY

Pursuant to the Utah Coal Mined Land Reclamation Act, Utah Code Ann. § 40-10-1 et. seq. (Act), the undersigned authorized representative of the Division of Oil, Gas, and Mining (DOGM) has conducted an inspection and found that a Notice of Violation or Cessation Order must be issued.

This order shall remain in effect until it is modified, terminated or vacated by written notice of an authorized representative of DOGM.

1. PENALTIES.

Proposed assessment. DOGM assesses fines based upon a proposed recommendation by an assessment officer. If there is additional information you wish DOGM to consider regarding the cessation order and proposed fine, please submit that to DOGM within *15 days of the date this notice or order is served on you or your agent*. Such information will be used by the assessment officer in determining facts surrounding the violation(s) and amount of penalty. Once DOGM has determined the proper penalty, it will serve the proposed assessment on you or your agent, no later than 30 days of the issuance of this notice or order. See Utah Admin. Code R645-401-600 et. seq.

The penalty will be final unless you or your agent file, within 15 days of receipt of the proposed assessment, a written request for an informal hearing before the assessment officer.

Assessment. For each violation included in this notice, a penalty of up to \$5,000 may be assessed for each separate day the violation continues.

If you fail to abate any violation within the time set for abatement or for meeting any interim step, you will be assessed an additional minimum penalty of \$750 for each day of continuing violation beyond the time set for abatement. You will be issued a Cessation Order requiring cessation of surface coal mining operations or the portion of the operations relevant to the violation.

2. INFORMAL PUBLIC HEARING.

On the reverse side of this page, an authorized representative has made a finding as to whether or not this notice requires cessation of mining. If this order or notice requires cessation of mining, expressly or in practical effect, you may request that an informal public hearing be held at or near the mine site. If you wish an informal public hearing be held, please contact an authorized representative from DOGM. See Utah Admin. Code R645-400-350 et seq. Once an informal public hearing is scheduled, you will be notified of the date, time, and location of the hearing.

If this notice requires cessation of mining, it will expire within 30 days from the date you are notified unless an informal public hearing is held or waived, or the condition, practice, or violation is abated within the 30-day period.

3. FORMAL REVIEW AND TEMPORARY RELIEF.

You may appeal this notice or order to the Board of Oil, Gas, and Mining by submitting an application for hearing within 30 days of receipt of this notice or order. See Utah Admin. Code R645-300-164.300. Please submit the application for hearing to:

Secretary
Board of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801

If applying for a formal board hearing, you may submit with your petition for review a request for “*temporary relief*” from this notice. Procedures for obtaining a formal board hearing are contained in the Board’s Rules of Practice and Procedure and in Utah Admin. Code R645-401-800 et. seq.

4. EFFECT ON PERMIT.

The permit may be suspended or revoked if it is determined that a pattern of violations of the Act, regulations or permit conditions exists, and that the violations were caused by an unwarranted or willful failure to comply.

For further information, consult Utah Code Ann. § 40-10-20 through 40-10-23 and Utah Admin. Code R645-400-300 et. seq. and R645-401 et. seq., or contact the Division of Oil, Gas, and Mining at (801) 538-5340.

West Ridge
Notice of Violation- #10103
January 10th, 2013

Nature of condition, practice, or violation:

The Permittee failed to provide the following water quality data as required by the approved West Ridge Mining and Reclamation Plan (MRP):

1. Stream site ST-6 still missing data for 1st quarter 2012. Several notifications were made to the Permittee as to the missing data.
2. Continuous flow data not submitted for stream monitoring sites RF-1, RF-2, LF-1 and LF-2 for 3rd quarter 2012. According to the approved MRP (See page 7-54, 4th paragraph), *"However, in the important spring snow melt period and extending until mid-late summer the flow recording devices should be accessible and operative. During these times, the company commits to collecting (down-loading) the data on a monthly basis, and reporting the data to the Division on a quarterly basis."* The Division finds that a reasonable interpretation of the MRP passage above is that continuous flow measurements will be collected from the flumes and reported for the 2nd and 3rd quarter of each calendar year. As such, continuous flow measurements for surface water monitoring points RF-1, RF-2, LF-1 and LF-2 for 3rd quarter 2012 were to be reported to the Division prior to the end of 4th quarter 2012.
3. Continuous flow data not submitted for stream monitoring site RF-1 for 2nd quarter 2012. The Division has brought the outstanding flow data for RF-1 2nd quarter 2012 to the Permittee's attention on several occasions.
4. 2nd quarter 2012 water quality data for stream monitoring site RF-1 not approved by Permittee for uploading to Division Coal Mining Water Quality Database. Until the Permittee approves the data for uploading in the database, it has not been officially submitted.
5. 1st quarter 2012 water quality data for stream monitoring site ST-8 has not been approved by the Permittee for uploading to the Division Coal Mining Water Quality Database. Until the Permittee approves the data for uploading in the database, it has not been officially submitted.
6. Flow measurement data was not submitted for spring monitoring site S-80 (Hanging Rock Spring) for 3rd quarter 2012.
7. No data was provided for UPDES Outfall 001 for the entire 3rd quarter of 2012. Monthly sampling with quarterly reporting is required for this monitoring point.
8. A field conductivity value was not reported for UPDES Outfall 002 for the July 8th, 2012 sampling event.
9. Flow readings from the underground flow meters (U-15E and U-17E) were not reported for the month of November. Page 7-51 of the approved MRP indicates, *"The flow readings will be reported to the Division on a monthly basis."* As such, the November flow values from the two underground meters were to be reported to the Division by the end of December 2012.

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Jay Marshall

Sent To

UtahAmerican Energy, Inc.

Street,
or P.O. E

P.O. Box 910

City, St

East Carbon, UT 84520-0910